

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NATIONAL LABOR RELATIONS BOARD

Petitioner

and

1199 SEIU UNITED HEALTHCARE WORKERS, NJ REGION

NOS. 11-3440
et al

Intervenor

V

NEW VISTA NURSING AND REHABILITATION

Respondent

**NEW VISTA MOTION TO SUPPLEMENT THE RECORD/APPENDIX
AND FOR LIMITED BRIEFING ON ISSUES RAISED AS A RESULT OF
THE REMAND**

NOW COMES NEW VISTA NURSING AND REHABILITATION (“New
Vista”) and moves this honorable court as follows:

- 1) This Court, on December 4, 2015, remanded this matter to the NLRB so that a properly constituted quorum could reconsider three motions for reconsideration.
- 2) Within 13 days, and without seeking any input from the parties, the NLRB decided all three motions. As noted to this Court in its response to the motion for

remand, New Vista, the next day, sought reconsideration of the decisions on the three motions and moved for the recusal of Member Hirozawa.

3) The Board, on January 5, 2016, denied the motion for reconsideration and Member Hirozawa denied the motion for his recusal.

4) It is respectfully requested that this Court direct that the record/appendix in this matter be supplemented so that the December 17, 2015 order on the three motions, the December 18, 2015 motion for reconsideration and for recusal and the January 5, 2016 order denying reconsideration and for recusal be placed before this court in its consideration of this matter.

5) It is also requested that the Court set a limited supplemental briefing schedule so that the dispositions on the three motions, and for the motion for reconsideration and, especially, recusal, can be properly reviewed by this Court.

Wherefore, NEW VISTA respectfully requests that the Court grant its motion to supplement the record/appendix as noted and provide for a limited briefing schedule so that the parties can address the issues raised in those proceedings.

RESPECTFULLY SUBMITTED

/S/

MORRIS TUCHMAN